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Attorneys for Complainant

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JOSEPH WILLIAM FOECKING, PT
13617 Red Wine Court
Charlotte, North Carolina 28273

Physical Therapist No. PT 24116

Respondent.

Case No. 1D 2005 64371

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
above-entitled proceedings that the following matters are true:

PARTIES

1. Steven K. Hartzell (Complainant) is the Executive Officer of the Physical
Therapy Board of California. He brought this action solely in his official capacity and is
represented in this matter by Bill Lockyer, Attorney General of the State of California, by
Stephen M. Boreman, Deputy Attorney General.

2. Joseph William Foecking, PT (Respondent) is representing himself in this
proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about April 12, 1999, the Physical Therapy Board of California
issued Physical Therapist No. PT 24116 to Joseph William Foecking, PT (Respondent). The

1 Therapist was in full force and effect at all times relevant to the charges brought in Accusation
2 No. 1D 2005 64371 and will expire on January 31, 2007, unless renewed.

3 JURISDICTION

4 4. Accusation No. 1D 2005 64371 was filed before the Physical Therapy
5 Board of California (Board), Department of Consumer Affairs, and is currently pending against
6 Respondent. The Accusation and all other statutorily required documents were properly served
7 on Respondent on May 15, 2006. Respondent timely filed his Notice of Defense contesting the
8 Accusation. A copy of Accusation No. 1D 2005 64371 is attached as exhibit A and incorporated
9 herein by reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, and understands the charges and allegations
12 in Accusation No. 1D 2005 64371. Respondent has also carefully read, and understands the
13 effects of this Stipulated Settlement and Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at his own expense; the right to confront and cross-examine the witnesses against him;
17 the right to present evidence and to testify on his own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 1D 2005 64371.

26 9. Respondent agrees that his Physical Therapist is subject to discipline and
27 he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary
28 Order below.

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CIRCUMSTANCES IN MITIGATION

10. Respondent Joseph William Foecking, PT has never been the subject of any disciplinary action. He is admitting responsibility at an early stage in the proceedings.

CONTINGENCY

11. This stipulation shall be subject to approval by the Physical Therapy Board of California. Respondent understands and agrees that counsel for Complainant and the staff of the Physical Therapy Board of California may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent. By signing the stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

12. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

13. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Respondent Joseph William Foecking, PT, holder of Physical Therapist License No. PT 24116, is subject to discipline for having violated Business and Professions Code sections 141 (a) and 2660 (l), as charged in Accusation No. 1D 2005 64371 (see Exhibit A, attached), and is hereby publically reproved.

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ACCEPTANCE

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Physical Therapist. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Physical Therapy Board of California.

DATED: June 6, 2006.

Original Signed By: _____
JOSEPH WILLIAM FOECKING, PT
Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Physical Therapy Board of California of the Department of Consumer Affairs.

DATED: June 6, 2006.

BILL LOCKYER, Attorney General
of the State of California

Original Signed By: _____
STEPHEN M. BOREMAN
Deputy Attorney General

Attorneys for Complainant

Exhibit A

Accusation No. 1D 2005 64371

**BEFORE THE
PHYSICAL THERAPY BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

JOSEPH WILLIAM FOECKING, PT
6710 Courtney Park Road, #8103
Charlotte, North Carolina 28217

Physical Therapist No. PT 24116

Respondent.

Case No. 1D 2005 64371

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Physical Therapy Board of California, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on July 26, 2006.

It is so ORDERED June 27, 2006.

Original Signed By: Donald A. Chu, PT, President
FOR THE PHYSICAL THERAPY
BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS